

## **REMARKS**

### **Summary**

Prior to entry of the foregoing amendment, Claims 1, 3-7 and 9-13 were pending in the application with Claims 1, 6, 7, 12 and 13 being independent claims and the remaining claims being dependent claims. Claims 1, 4, 7, 10 and 13 have been canceled without prejudice. New claims 15-18 have been added, with Claims 17 and 18 being independent claims and Claims 15 and 16 being dependent claims. Therefore, after entry of the foregoing amendment, Claims 3, 5, 6, 9, 11-12 and 15-18 are pending with Claims 6, 12, 17 and 18 being independent claims and the remaining claims being dependent claims.

### **Rejections Under 35 U.S.C. § 103**

All of the claims pending at the time of the Office Action (i.e., Claims 1, 3-7 and 9-13) were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shiiyama (U.S. Patent No. 6,400,853) (hereinafter, the “Shiiyama” reference) in view of Burns (U.S. Patent No. 5,828,769) (hereinafter, the “Burns” reference).

As mentioned above, Claims 1, 4, 7, 10 and 13 have been canceled and new Claims 15-18 have been added. Therefore, only the patentability of the remaining claims (i.e., Claims 3, 5, 6, 9, 11-12 and 15-18) will be discussed herein. Of the remaining claims, Claims 6, 12, 17 and 18 are independent claims. Each of the dependent claims have similar features. Thus, the following remarks apply to all of the independent claims (Claims 6, 12, 17 and 18).

A feature of the present invention (as recited in each of the independent claims) is to limit a subject (a second image) for measuring a similarity index to images having same pan/tilt/zoom angles as that of a reference image (a first image) of a search condition. Also, a region in the first image and a region in the second image are specified for measuring the similarity index, so as to perform calculation between the specified region of the first image and the specified regions of the second images.

With these features, it is possible to extract only image data having same photographing conditions (pan/tilt/zoom) as that of the reference image, therefore reducing risk that unwanted image data might be included in the search result. Also, since the regions for measuring the similarity index are specified and the similarity index is calculated only in those regions, it is possible to complete the calculation without being affected by unnecessary portions of the image data, resulting in a faster and more reliable measurement of the similarity index.

On the other hand, the Shiiyama reference tries to provide a technique for measuring the similarity index, which is configured to disregard differences in photographing conditions. That is, in the system disclosed by the Shiiyama reference, a search condition is not set to obtain "images having same photographing conditions (pan/tilt/zoom)," but rather, the search condition is set to obtain "images having different photographing conditions (pan/tilt/zoom) but including same subject." Therefore, even if attribute information (pan/tilt/zoom) taught by another cited reference, (the Burns reference), is combined with the above described feature of the Shiiyama reference in order to limit the subject for measuring the similarity index to images having same attribute information of pan/tilt/zoom angles, the combined system cannot obtain "images having different photographing conditions (pan/tilt/zoom) but including same subject". In other words, if the Shiiyama reference and the Burns reference are combined, the technical goal of the Shiiyama reference cannot be achieved.

As described above, the Shiiyama reference teaches away from combining it with another reference, such as the Burns reference. Therefore, it would not have been obvious to one of ordinary skill in the art to combine the references.

Furthermore, even if the Shiiyama reference and the Burns reference were combined to limit the subject for measuring the similarity index to images having same pan/tilt/zoom angles as that of the reference image, it still fails to obtain the feature of the present invention to specify regions in images for measuring the similarity index, letting the system perform measuring on entire portion of images.

In other words, *assuming arguendo*, that there was a motivation to combine the references, such a combination would not teach the present invention.

Moreover, Figs. 21 A-C of the Shiiyama reference mentioned on page 5 of the Office Action indicate each row in Fig. 21A (images that are subject for measuring the similarity index) and in Fig. 21B (a reference image) are compared in every combination to measure the similarity index. This means, unlike the present invention which does not need to perform a calculation for measuring the similarity index on unnecessary portions of images so as to achieve faster calculation, the system disclosed in the Shiiyama reference requires higher processing load since it has to perform the calculation in even combination.

As understood from the above, neither the Shiiyama reference nor the Burns reference teach or suggest the feature to specify a region in images to be subject for measuring similarity index so as to calculate the similarity index between these regions and a region specified in a reference image. Therefore, even if the Shiiyama reference and the Burns reference are combined, it is impossible to obtain same effect as that of the present invention, which is to provide an advantage of completing the calculation without being affected by unnecessary portions of the image data, resulting in a faster and more reliable measurement of the similarity indices.

As described above, there is no motivation to combine the cited and applied references. And, even if there were a motivation to combine the references, they still would not teach or suggest all of the features of any of the independent claims. Accordingly, each of the independent claims (i.e., Claims 6, 12, 17 and 18) are believed allowable.

The remaining claims (i.e., Claims 3, 5, 9, 11, 15 and 16) are dependent claims. As discussed above, the independent claims are believed allowable. Therefore, the dependent claims are also believed allowable because they depend from an allowable base claim. Furthermore, each dependent claim is also deemed to define an additional aspect of the invention, and individual consideration of each on its own merits is respectfully requested.

## CONCLUSION

Applicant respectfully submits that all of the claims pending in the application meet the requirements for patentability and respectfully requests that the Examiner indicate the allowance of such claims.

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

Should the Examiner have any questions, the Examiner may contact Applicant's representative at the telephone number below.

Respectfully submitted,

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/Marlene Klein/

Date

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